



RCE/2700

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/765,680        |
| Filing Date            | January 18, 2001  |
| First Named Inventor   | Juan R. Loaiza    |
| Group Art Unit         | 2133              |
| Examiner Name          | Matthew C. Dooley |
| Attorney Docket Number | 50277-1633        |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

RECEIVED

## 1. Submission required under 37 C.F.R. § 1.114

APR 22 2004

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed (Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☒ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☒ Information Disclosure Statement (IDS)
  - iv. ☐ Other \_\_\_\_\_

04/21/2004 MAHME1 J0000015 09765680

01 FC:1801

770.00 DP

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1302
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☒ Other Additional Claim Fees.
- b. ☒ Check in the amount of \$892.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                   |                                   |                |
|-------------------|-------------------|-----------------------------------|----------------|
| Name (Print/Type) | Edward A. Seifert | Registration No. (Attorney/Agent) | 37,777         |
| Signature         |                   | Date                              | April 15, 2004 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

|                   |                 |      |                |
|-------------------|-----------------|------|----------------|
| Name (Print/Type) | Angelica Jaquez | Date | April 15, 2004 |
| Signature         |                 |      |                |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision,  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$)**892.00**

| Complete if Known    |                   |
|----------------------|-------------------|
| Application Number   | 09/765,680        |
| Filing Date          | January 18, 2001  |
| First Named Inventor | Juan R. Loaiza    |
| Examiner Name        | Matthew C. Dooley |
| Group/Art Unit       | 2133              |
| Attorney Docket No.  | 50277-1633        |

RECEIVED  
APR 22 2004  
Technology Center 21

### METHOD OF PAYMENT (check one)

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number **50-1302**

Deposit Account Name **Hickman Palermo Truong & Becker, LLP**

2. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other

3. ☐ Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27.

### FEE CALCULATION (continued)

| 3. ADDITIONAL FEES   |                       |                       |                       | Fee Description  | Fee Paid           |
|--|-----------------------|-----------------------|-----------------------|--|--------------------|
| Large Entity Fee Code  | Small Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee (\$) |  |                    |
| 1051   | 130                   | 2051                  | 65                    | Surcharge - late filing fee or oath  |                    |
| 1052   | 50                    | 2052                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |                    |
| 1053   | 130                   | 1053                  | 130                   | Non-English specification  |                    |
| 1812   | 2,520                 | 1812                  | 2,520                 | For filing a request for reexamination                                     |                    |
| 1804   | 920*                  | 1804                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |                    |
| 1805   | 1,840*                | 1805                  | 1,840*                | Requesting publication of SIR after Examiner action                        |                    |
| 1251   | 110                   | 2251                  | 55                    | Extension for reply within first month                                     |                    |
| 1252   | 420                   | 2252                  | 210                   | Extension for reply within second month                                    |                    |
| 1253   | 950                   | 2253                  | 475                   | Extension for reply within third month                                     |                    |
| 1254   | 1,480                 | 2254                  | 740                   | Extension for reply within fourth month                                    |                    |
| 1255   | 2010                  | 2255                  | 1005                  | Extension for reply within fifth month                                     |                    |
| 1401   | 330                   | 2401                  | 165                   | Notice of Appeal   |                    |
| 1402   | 330                   | 2402                  | 165                   | Filing a brief in support of an appeal                                     |                    |
| 1403   | 290                   | 2403                  | 145                   | Request for oral hearing   |                    |
| 1451   | 1,510                 | 1451                  | 1,510                 | Petition to institute a public use proceeding                              |                    |
| 1452   | 110                   | 2452                  | 55                    | Petition to revive - unavoidable   |                    |
| 1453   | 1330                  | 2453                  | 665                   | Petition to revive - unintentional   |                    |
| 1501   | 1330                  | 2501                  | 665                   | Utility issue fee (or reissue)   |                    |
| 1502   | 480                   | 2502                  | 240                   | Design issue fee   |                    |
| 1503   | 640                   | 2503                  | 320                   | Plant issue fee  |                    |
| 1460   | 130                   | 1460                  | 130                   | Petitions to the Commissioner  |                    |
| 1807   | 50                    | 1807                  | 50                    | Petitions related to provisional applications                              |                    |
| 1806   | 180                   | 1806                  | 180                   | Submission of information Disclosure Stmt                                  |                    |
| 8021   | 40                    | 8021                  | 40                    | Recording each patent assignment per property (times number of properties) |                    |
| 1809   | 770                   | 2809                  | 385                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |                    |
| 1810   | 770                   | 2810                  | 385                   | For each additional invention to be examined (37 CFR § 1.129(b))           |                    |
| Other fee (specify) <u>Request For Continued Examination (RCE)</u> |                       |                       |                       |  | \$770.00           |
| Other fee (specify) _____  |                       |                       |                       |  |                    |
| *Reduced by Basic Filing Fee Paid                                  |                       |                       |                       | SUBTOTAL (3)   | (\$) <b>770.00</b> |

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid         |
|--------------|----------|--------------|----------|------------------------|------------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |                  |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |                  |
| 1002         | 340      | 2002         | 170      | Design filing fee      |                  |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |                  |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |                  |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |                  |
| SUBTOTAL (1) |          |              |          |                        | (\$) <b>0.00</b> |

#### 2. EXTRA CLAIM FEES

| Total Claims       | Highest Paid Claims | Extra Claims | Fee from Below | Fee Paid |
|--------------------|---------------------|--------------|----------------|----------|
| 51                 | 49=                 | 2            | 18.00          | 36.00    |
| 9                  | 8**=                | 1            | 86.00          | 86.00    |
| Multiple Dependent |                     |              |                |          |

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code | Entity Fee (\$) | Small Entity Fee Code | Entity Fee (\$) | Fee Description   |
|-----------------------|-----------------|-----------------------|-----------------|---|
| 1202                  | 18              | 2202                  | 9               | Claims in excess of 20                                    |
| 1201                  | 86              | 2201                  | 43              | Independent claims in excess of 3                         |
| 1203                  | 290             | 2203                  | 145             | Multiple dependent claim, if not paid                     |
| 1204                  | 86              | 2204                  | 43              | **Reissue independent claims over original patent         |
| 1205                  | 18              | 2205                  | 9               | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)**122.00**

#### SUBMITTED BY

|                   |                  |                                   |                |           |                      |
|-------------------|------------------|-----------------------------------|----------------|-----------|----------------------|
| Name (Print/Type) | Edward A. Becker | Registration No. (Attorney/Agent) | 37,777         | Telephone | (408) 414-1080 x 204 |
| Signature         |                  | Date                              | April 15, 2004 |           |                      |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.  
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Amend, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.